

REMARKS

The comments of the Examiner as set forth in the official office action of October 2, 2006 have been carefully studied and reviewed.

First, claims 1-6 are provisionally rejected on the grounds of non-statutory obviousness - double patenting as being unpatentable over claim 21 of a co-pending application, Application Serial No. 10/682,586 (the '586 application). To appropriately deal with this concern by the Patent Office, attached hereto is a Terminal Disclaimer with respect to the '586 application.

Next, the Examiner has objected to the drawings because they fail to show a first projection 100 in Figures 2A-2B. The reference to first projection 100 on page 6 of the specification was an inadvertent mistake. The reference should have been to the first projection 50. Accordingly, the second full paragraph of page 6 has been amended to correct this error.

The rejection regarding claim 5 under Section 112 has been corrected.

Claims 1, 16, 17 and 18 are rejected under 35 USC §102(e) as being anticipated by the '586 application. The Examiner notes that this issue can be dealt with under the provisions of 37 CFR 1.131. Accordingly, attached hereto is a Rule 1.131 Declaration from an inventor, Mr. Ed diGirolamo. Mr. diGirolamo's testimony is corroborated by Ms. Allison Willis, a patent draftsman who prepared the drawings in the present application. Mr. diGirolamo's and Ms. Willis' testimonies clearly establish that the inventions described in these claims, that is claims 1, 16, 17, and 18, were conceived prior to the filing date of the '586 application, which is October 9, 2003. Without a doubt, Mr. diGirolamo and the inventors of the inventions described in these four claims had conceived the inventions by July 2003. This is established by both the testimonies of Mr. diGirolamo and Ms. Willis. Diligence towards filing the patent application is clearly evident in this case. The draft application was delivered to The Steel Network at the end of August and was filed by the first week of November. Certainly, this evidences diligence.

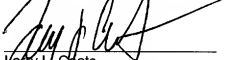
Therefore, it is respectfully urged that the Rule 1.131 Declaration of Mr. diGirolamo, as corroborated by Ms. Willis, is sufficient to swear behind the '586 application.

Claims 2-15 and 19-25 are rejected as unpatentable over the '586 application in view of U.S. Patent No. 4,677,802 to Vukmanic. The Rule 1.131 affidavit submitted herewith is effective to remove this rejection. In addition, Section 103(c) states that subject matter developed by another person which qualifies as prior art under subsection (e) should not preclude patentability under Section 103 where the subject matter and the claimed invention were, at the time of the invention, made or owned by the same person or subject to an obligation of assignment to the same person. Note paragraph 7 in Mr. diGirolamo's Declaration. At the time of the invention's claimed in the '190 application, the co-inventors were under an obligation to assign the rights of the invention to The Steel Network, Inc. For that reason also, the Section 103 rejection should be removed.

For the foregoing reasons, it is believed that this response places the present application in condition for allowance and allowance is respectfully requested.

Respectfully submitted,

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